

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

RANDY LEE HOLLOWAY, JR.

21-11848-JDW

NOTICE OF MOTION TO DISMISS

Should any party receiving this Notice respond to the Motion, such response is required to be filed on or before June 13, 2022, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider the Motion immediately after the time for responses has expired. In the event a response is filed, the Court will notify you of the date, time, and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: May 19, 2022.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. On September 30, 2021, the Debtor initiated this proceeding with the filing of a Chapter 13 bankruptcy petition. The Second Amended Chapter 13 Plan (Dkt. #25) (the “Plan”) was filed on December 28, 2021.

2. On October 25, 2021, OneMain Financial Group, LLC filed a Proof of Claim (Clm. #4-1) (the “Claim”) in the amount of \$11,386.08 which is secured by a 2007 Chevrolet Tahoe-V8 (the “Collateral”).

3. The Debtor did not disclose the Collateral or provide for the Claim in the Confirmed Plan.

4. The Trustee alleges that the Debtor failed to comply with 11 U.S.C. § 521(a)(1)(B)(i) and 11 U.S.C. § 1325(a)(1).

5. Therefore, the Trustee requests that this bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: May 19, 2022.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, MS 39211
(601) 355-6661
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: May 19, 2022.

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER